

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLUMBIA

In re)
)
PAUL TAYLOR,) Case No. 00-01086
) (Chapter 13)
Debtor.)

ORDER DIRECTING DEBTOR TO CONVERT OR DISMISS

The chapter 13 trustee has sought the dismissal of this case but has not asked that the dismissal be with prejudice. The debtor has opposed the motion but still has not made the payment he was required to make in September and that he promised to make by an extended date in November. It thus is appropriate to dismiss or convert this case. The debtor's secured creditor has filed a motion for relief from the automatic stay of 11 U.S.C. § 362(a). Accordingly, were the debtor voluntarily to dismiss, the case would be dismissed with prejudice for 180 days. 11 U.S.C. § 109(g). The debtor ought not be able to achieve, through inaction, a dismissal without prejudice after the filing of a lift-stay motion. The court will thus not dismiss this case without prejudice. Nor will the court dismiss the case with prejudice at this time: the debtor may have anticipated being able to file a new case upon dismissal of this case and may not have considered his alternative of converting to chapter 7 in lieu of suffering a dismissal with prejudice. It is thus

ORDERED that within 15 days after entry of this order, the debtor shall file a notice of conversion to chapter 7 or a motion to dismiss. It is further

ORDERED that if the debtor fails to comply with the

foregoing directive, this court will enter an order dismissing this case with prejudice for 180 days pursuant to 11 U.S.C. §§ 105, 109(g), and 349(a).

Dated: December 17, 2000

S. Martin Teel, Jr.
United States Bankruptcy Judge

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